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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/517,541	03/02/2000	Kia Silverbrook	AUTH15US	4978
7590	02/03/2006		EXAMINER	
Kia Silverbrook Silverbrook Research Pty Ltd 393 Darling Street Balmain, 2041 AUSTRALIA			NGUYEN, NGA B	
			ART UNIT	PAPER NUMBER
			3628	

DATE MAILED: 02/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/517,541

Applicant(s)

SILVERBROOK ET AL.

Examiner

Nga B. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 10, 2005 has been entered.
2. Claims 1-10 are pending in this application.

Response to Arguments/Amendment

3. Applicant's arguments with respect to claims 1-10 have been considered but are not persuasive.

In response to applicant's arguments, examiner submits that applicant has not submitted any rebuttal of the well known statements, but has merely requested references disclosing the well known limitations. Furthermore, the applicant must be given the opportunity to challenge the correctness of such assertions and allegations. Again, the applicant has not challenged the correctness of the assertions, only the use of Official Notice. Bald statements such as "the examiner has not provided proof that this element is well known" or "applicant disagrees with the examiner's taking of Official Notice and hereby requests evident in support hereof", are not adequate and do not shift the burden to the examiner to provide evidence in support of the Official Notice. Allowing such statements to challenge Official Notice would effectively destroy any

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incentive on the part of the examiner to use it in the process of establishing a rejection of notoriously well known faces (*In re Boon*, 169 USPQ 231 (CCPA 1971)). Therefore, the examiner decides to maintain the Official Notice taken in the previous office action.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park, U.S. Patent No. 5,673,223.

Regarding to claim 1, Park discloses in an authentication chip in which secret data is manipulated, a method of shielding manipulations of the secret data from observation, including the steps of: operating non-flashing CMOS structures in the chip (columns 1-2 and column 4, lines 17-55).

Park does not disclose pMOS and nMOS transistors are driven such that they do not have intermediate resistance simultaneously during a change of state of the CMOS structure, to manipulate the secret data and operating conventional CMOS inverters adjacent the non-flashing CMOS structures at the same time. However, designing pMOS and nMOS transistors are driven such that they do not have intermediate resistance simultaneously during a change of state of the CMOS structure, to manipulate the secret data and operating the conventional CMOS inverters adjacent the

non-flashing CMOS structures at the same time, are well known in the art and are choices of designing and operating CMOS structures in the semiconductor. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Park's to incorporate the designed choices above for the purpose of improving the security in operation of an authentication chip in which secret data is manipulated

Regarding to claims 2-3, Park does not disclose generating continuous circuit noise to a tamper detection line and driving the conventional CMOS structures from the tamper detection line. However, generating continuous circuit noise to a tamper detection line and driving the conventional CMOS structures from the tamper detection line is well known in the art of semiconductor. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Park's to include the feature above for the purpose of generating continuous circuit noise in the conventional CMOS structures.

Regarding to claim 4, Park does not disclose driving the conventional CMOS multiple times faster than non-flashing CMOS. However, it is well known in the art to drive the conventional CMOS multiple times faster than non-flashing CMOS. This is a desired choice. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Park's to include the feature above for the desired purpose.

Regarding to claim 9, Park does not disclose operating the non-flashing CMOS structures includes driving the pMOS transistors under a first clock signal and driving the

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pMOS transistors under a second clock signal, the first and second clock signals being non-synchronized. However, it is well known in the art to drive the pMOS transistors and pMOS transistors under different clock signal. This is a desired choice. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Park's to include the feature above for the desired purpose.

Regarding to claims 5-8 and 10, Park discloses an authentication chip (figures 2-3) for performing the method as discussed in claims 1-4 and 9 above, therefore are rejected by the same rationale.

Conclusion

6. Claims 1-10 are rejected.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is (571) 272-6796. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on (571) 272-6799.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-3600.

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

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C/o Technology Center 3600

Washington, DC 20231

Or faxed to:

(703) 872-9306 (for formal communication intended for entry),


or

(571) 273-0325 (for informal or draft communication, please label

"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Knox building, 501 Dulany
Street, Alexandria, VA, First Floor (Receptionist).

Nga B. Nguyen

A handwritten signature in cursive script that reads "Nga B. Nguyen".

January 6, 2006